

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

FABIAN RUIZ )

Criminal No. 03-CR-10362 (PBS)

GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION IN SUPPORT OF  
REQUEST TO RELEASE RUIZ TO THIRD PARTY CUSTODIANS

**BACKGROUND**

The government opposes defendant's Motion for the reasons set forth by the government during the detention hearing on October 30, 2003. Furthermore, on October 22, 2003, defendant Ruiz pled guilty on the Arkansas, Crawford County charge of Possession of Marijuana With Intent to Deliver and was sentenced to fifteen years in the Arkansas Department of Correction with nine years suspended conditioned upon good behavior. Boot camp was authorized. On December 30, 2003, the Prosecuting Attorney in Crawford County subsequently filed a Petition to Revoke the suspended sentence (attached) given the charges in this federal case. On January 2, 2004, the Crawford Circuit Court issued a bench warrant for Mr. Ruiz arrest (attached). The Prosecuting Attorney has stated that he intends to seek to have Mr. Ruiz' nine years suspended sentence re-instated.

Therefore, Mr. Ruiz' risk of flight is even greater than at the time of the detention hearing, as he now faces a full fifteen

years sentence instead of boot camp in the Crawford County case. Should he be released from federal custody, the Crawford County authorities plan to take him into their custody based on the recently issued bench warrant.

**CONCLUSION**

Based on the foregoing, the government requests that the defendant's Motion in Support of Request to Release Ruiz to Third Party Custodian be denied.

Respectfully submitted,  
MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: \_\_\_\_\_

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Dated: January 22, 2004

I hereby certify that a true copy of the above document was served upon Valerie Carter via first class mail and fax on January 22, 2004.

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CYNTHIA W. LIE